

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cr-00127-MOC-DCK

UNITED STATES OF AMERICA,)
)
)
v.)
)
DANIEL HEGGINS,)
)
Defendant.)

ORDER

THIS MATTER is before the court on defendant's recent pro se filings (#97 & #98). Having considered defendant's filings and reviewed the pleadings, the court enters the following Order.

The court has determined that the filings do not have the earmarks of a Section 2255 petition as required under Rule 2, Federal Rules Governing Section 2255 Proceedings, and will, in an abundance of caution, not construe it as defendant's one opportunity for a Section 2255 petition. In accordance with Castro v. United States, 540 U.S. 375 (2003), the court will advise petitioner of the correct method for filing a Section 2255 if he chooses that course of action.

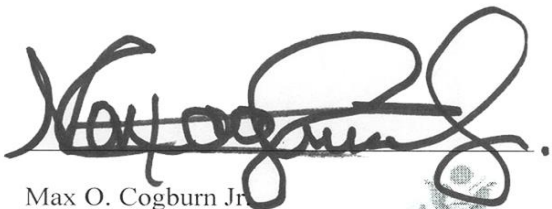
The court notes its earlier Orders in this matter. *Inter alia*, Mr. Heggins again asks to cease his imprisonment. (#97) at 5. The filing suffers from the same infirmities as the defendant's earlier filings. As such, the arguments included in the pro se filing are again deemed to be frivolous. The court notes that repeated frivolous filings are not advisable.

The defendant desires that his case be heard in an Article III court. (#98) at 6. This court is an Article III federal court. One filing accuses the court itself, specifically this judicial officer, of “attempted murder, false imprisonment, extortion of my property, deprivation of religious rights and property, assault and battery against my wife and I, and other trespasses.” (#98) at 2. Further, the filing accuses this judicial officer of “treason to the Constitution.” (#98) at 4. The undersigned does not take these allegations lightly, and the defendant is again advised against filing such frivolous allegations. Repeated frivolous filings may give rise to sanctions.

ORDER

IT IS, THEREFORE, ORDERED that defendant’s most recent pro se filings (#97 & #98) are **DENIED** as **FRIVOLOUS** and require no action from the court.

Signed: April 25, 2017

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", written over a horizontal line.

Max O. Cogburn Jr.
United States District Judge

